

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LAWRENCE PARKER,

Plaintiff,

v.

Honorable Thomas L. Ludington
Case Number : 07-13985-BC

SECRETARY OF DEPARTMENT
OF VETERAN AFFAIRS,

Defendant.

_____ /

ORDER OVERRULING PLAINTIFFS' OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION,
GRANTING DEFENDANT'S MOTION TO DISMISS,
AND DISMISSING COMPLAINT WITH PREJUDICE

This matter is before the Court on a report issued by Magistrate Judge Charles E. Binder on April 14, 2008. The magistrate judge recommended granting Defendant Secretary of Veteran Affairs' motion to dismiss and dismissing Plaintiff Lawrence Parker's complaint for failure to state a claim.

On April 22, 2008, Plaintiff timely filed objections to the magistrate judge's report and recommendation. His objections, however, largely restate his allegations in his complaint for race discrimination, albeit in abbreviated form. He reiterates his factual allegations, such as the termination of his employment in food service at Defendant's medical center and the involvement of a bus driver in a circumstance Plaintiff identifies as significant. He recites the negative feelings he experienced, and he states that he is African-American.

These assertions may be correct. Indeed, to the extent that he has already advanced them in the complaint, the Court is required to treat them as true for purposes of a motion under Federal Rule

of Civil Procedure 12(b)(6). Unfortunately, repeating these factual contentions does not form a factual or legal basis to challenge the magistrate judge's conclusion that Plaintiff has not stated a claim on which relief can be granted. In his complaint, Plaintiff maintains that he accused a bus driver of playing a computer game, rather than shuttling him back to his employment for Defendant and that he was subsequently terminated without explanation. Accepting his statements as true, the incident with the bus driver, coupled with his other allegations, does not suffice to plead a claim of race discrimination under Title VII. Accordingly, the Court will overrule Plaintiff's objections and adopt the magistrate judge's report and recommendation.

Accordingly, it is **ORDERED** that Plaintiff's objections [dkt #15] are **OVERRULED**, the magistrate judge's report and recommendation [dkt #14] is **ADOPTED**, Defendant's motion to dismiss [dkt #7] is **GRANTED**, and Plaintiff's complaint [dkt #1] is **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: May 20, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 20, 2008.

s/Tracy A. Jacobs
TRACY A. JACOBS